

AB:JRS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

19-M-551

- against -

COMPLAINT

FRANCIS GURAHOO,

(18 U.S.C. § 545)

Defendants.

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EASTERN DISTRICT OF NEW YORK, SS:

GABRIEL HARPER, being duly sworn, deposes and states that he is a Special Agent with the United States Fish and Wildlife Service (“USFWS”), duly appointed according to law and acting as such.

On or about June 16, 2019, within the Eastern District of New York and elsewhere, the defendant FRANCIS GURAHOO, together with others, did knowingly, intentionally and unlawfully import and bring into the United States merchandise contrary to law, to wit: approximately thirty-four (34) finches.

(Title 18, United States Code, Section 545)

The source of your deponent’s information and the grounds for his beliefs are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I have been employed as a Special Agent for the USFWS for approximately three years. I base my knowledge supporting this affidavit upon my personal involvement in this investigation as well as upon information provided to me by law enforcement officials and other individuals.

BACKGROUND

2. In recent years, United States Customs and Border Patrol ("CBP") officers working at John F. Kennedy International Airport ("JFK") have intercepted numerous individuals trying to bring finches, which are small seed-eating birds, into the United States from Guyana by concealing the birds in various manners without declaring the birds on the required importation forms. As set forth below, such conduct is in violation of the law. It also subverts requirements that birds from foreign countries be quarantined to prevent the possible spread disease.

3. My investigation has revealed that individuals keep finches to enter them in singing contests in Brooklyn and Queens, New York. In such contests, often conducted in public areas like parks, two finches sing and a judge selects the bird determined to have the best voice. Many who attend the singing contests wager on the birds. A finch who wins these competitions becomes valuable and can sell for in excess of \$5,000. Although certain species of finch are available in the United States, species from Guyana are believed to sing better and are therefore more highly sought after. An individual willing to smuggle finches into the United States from Guyana can earn a large profit by selling these birds in the New York area.

RELEVANT REGULATIONS

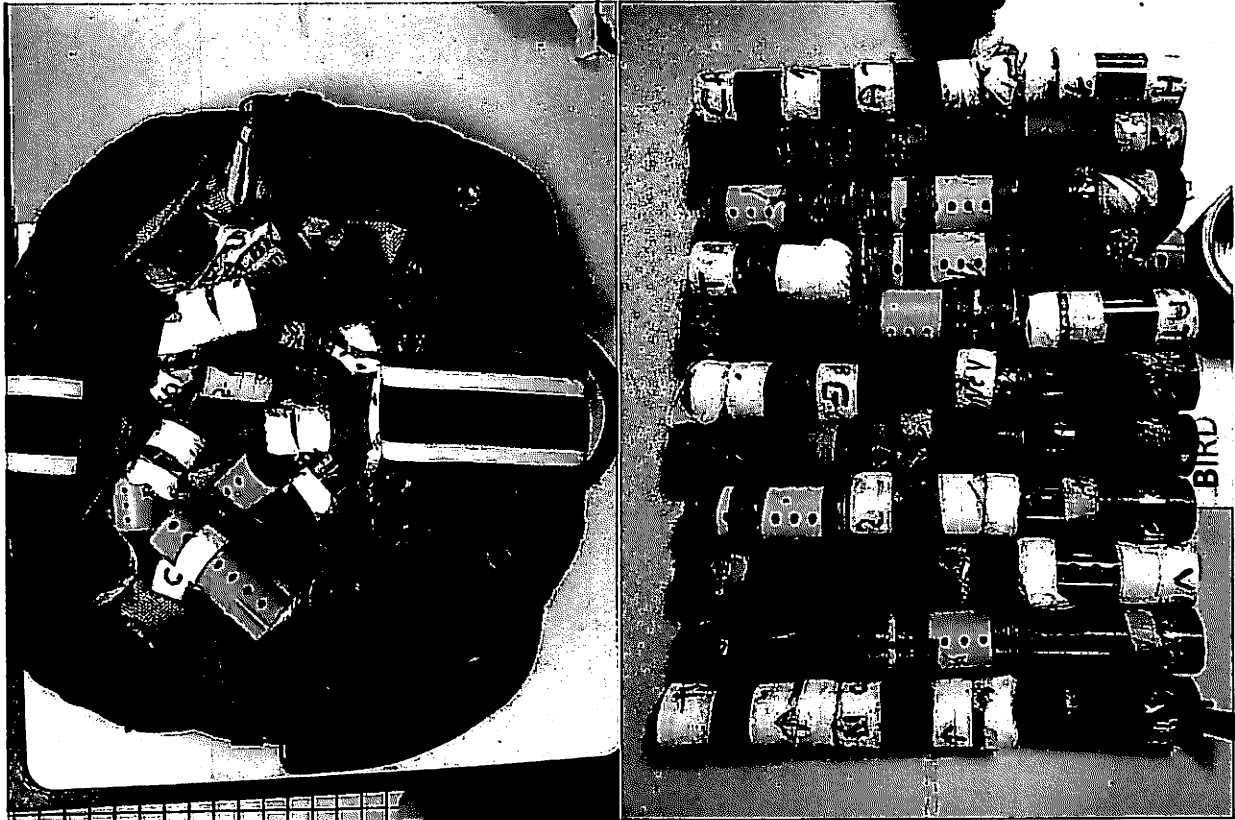
4. Pursuant to Title 50, Code of Federal Regulations, Section 14.61, importers of wildlife are required to file a signed and completed Declaration for Importation or Exportation of Fish or Wildlife (Form 3-177) to declare the importation of any wildlife. In addition, pursuant to Title 50, Code of Federal Regulations, Section 14.91, a permit is required from the USFWS to import any wildlife.

5. Pursuant to Title 9, Code of Federal Regulations, Section 93.106, imported commercial birds must be quarantined for 30 days. This requirement exists to prevent the spread of diseases carried by foreign birds, including Newcastle disease — a contagious avian virus than can infect humans and domestic poultry — and bird flu.

THE DEFENDANT'S CONDUCT

6. On or about June 16, 2019, the defendant FRANCIS GURAHOO arrived at JFK in Queens, New York aboard Caribbean Airlines flight BW 526 originating in Georgetown, Guyana. The defendant's CBP declaration stated that he was entering the United States without any wildlife.

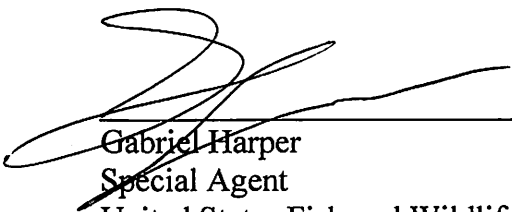
7. The defendant was selected for a customs examination, which revealed that he possessed approximately thirty-four (34) live finches concealed in his carry-on luggage, with each bird hidden within a plastic hair-curler, as shown in the below photographs:




8. After being found with the finches, the defendant was advised of his Miranda rights, which he waived. The defendant admitted that he had intended to smuggle the birds into the country and to avoid quarantine by placing the birds inside of his carry-on luggage. The defendant stated that he had planned to sell the finches for approximately \$3,000 each (totaling approximately \$100,000). The defendant further stated that he knew what he did was wrong but was motivated by potential financial gain.

9. Searches of USFWS databases revealed that the defendant did not apply for or receive a permit authorizing the importation of the birds into the United States.

WHEREFORE, your deponent respectfully requests that the defendant FRANCIS GURAHOO be dealt with according to law.


Gabriel Harper
Special Agent
United States Fish and Wildlife Service

Sworn to me before this
17th day of June, 2019


HONORABLE J.
CHIEF UNITED
EASTERN DIST

S/ Mann

JUDGE